

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DAVID A. CROWE,

Plaintiff,

vs.

**JOHN LAKIN,
CHRISTOPHER EALES,
DAVID JOSEPH,**

Defendants.

Case No. 18-cv-1492-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

On September 6, 2018, Plaintiff was ordered to pay the full filing fee of \$400.00 for this action, and show cause why his case should not be dismissed for failure to disclose his litigation history, no later than September 27, 2018. Plaintiff has made no payment toward the \$400.00 filing fee he owes in this case. Plaintiff has also failed to respond to the Court's requirement that he show cause why the Court should not dismiss his case as a sanction for failure to disclose his previous strikes and litigation history.

As Plaintiff has failed to respond to the show cause order, the Court will sanction Plaintiff for failing to disclose his litigation history by dismissing this action with prejudice. The filing fee in this case remains due and owing.

THEREFORE, IT IS HEREBY ORDERED that this case is **DISMISSED with prejudice** as a sanction for failing to disclose Plaintiff's litigation history, including 3 previous strikes.

If Plaintiff wishes to appeal this order, he may file a notice of appeal with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(4). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. *See* FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). Moreover, because Plaintiff has “struck out,” this Court will not grant him permission to proceed *in forma pauperis* on appeal. Finally, if the appeal is found to be nonmeritorious, Plaintiff may also incur another “strike.”

This case is **DISMISSED with prejudice**.

The Clerk’s Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: October 26, 2018

s/J. Phil Gilbert
United States District Judge